

Public Notice on a Proposed Amendment and Extension to an Environmental Cooperative Agreement between the Wisconsin Department of Natural Resources and We Energies' Pleasant Prairie Power Plant, located at 8000 95th Street, Pleasant Prairie, Kenosha County, Wisconsin

Pursuant to Section 299.80, Wis. Stats., the Department of Natural Resources (DNR) is proposing to amend and extend the Environmental Cooperative Agreement dated February 5, 2001 with Wisconsin Electric Power Company's Pleasant Prairie Power Plant under the Environmental Cooperation Pilot Program. Wisconsin Electric Power Company is now doing business as We Energies.

Pleasant Prairie Power Plant, located at 8000 95th Street, Pleasant Prairie, Kenosha County, Wisconsin is an electric generating plant and employs 180 people. We Energies volunteered to help Wisconsin DNR pilot new approaches to environmental regulation through the Environmental Cooperation Pilot Program. The Environmental Cooperative Agreement contains the language that determines how DNR and We Energies are carrying out the goals of the Environmental Cooperation Pilot Program.

Summary of the proposed amendment to the Agreement

The proposed amendment will modify the original Agreement in all the following ways:

- Correct minor technical errors and update outdated information;
- Expand the potential for beneficial reuse of coal combustion products (ash);
- Establish a new DNR/We Energies team to facilitate communications and implementation of the agreement;
- Simplify and clarify commitments related to the involvement of interested persons;
- Add new research commitments related to mercury emission control methods and mercury and particulate monitoring devices;
- Streamline and clarify requirements for wastewater monitoring, review of water treatment additives, and review of minor changes to wastewater facilities;
- Establish clear expectations regarding the schedule for renewal of the Title V air pollution control operation permit; and,
- Simplify and clarify commitments to annual performance evaluations and reporting.

A copy of the full text of the proposed amendment that clearly indicates and explains all proposed changes to the original Agreement is available on DNR's website (details provided below). Public comments on the proposed amendment to the Agreement are welcome.

Proposed extension of the Agreement

Pursuant to Section 299.80(6e), Wis. Stats., the Department also proposes to renew and extend the Agreement *as amended* for one 5-year term, through February 4, 2011. If the Agreement is not extended, it will expire after February 4, 2006.

About the Environmental Cooperation Pilot Program

The Environmental Cooperation Pilot Program (Program) was passed by the State Legislature as part of the 1997 – 1999 Biennial Budget. It is designed to evaluate innovative environmental regulatory methods including whole-facility regulation. It encourages the use of systematic assessments of environmental impacts from this facility, and is designed to focus on reducing pollution in an efficient and cost effective manner. The Program provides increased flexibility for pilot facilities that not only maintain existing levels of environmental protection, but also go beyond and provide superior environmental performance. Furthermore, the Program encourages substantial public participation by those affected by the activities at the facility.

Opportunity for public to comment/notice of public informational meeting

There is a 30-day public comment period associated with the proposed amendment to the Environmental Cooperative Agreement, which will end 30 days from the date of publication of this notice in the Wisconsin State Journal. During the 30-day public comment period, DNR will accept written comments from the public regarding the proposed amendment. Submit comments on the proposed amendment by US Mail, fax, or e-mail to John Shenot, the DNR project manager, using the contact information provided below.

A public informational meeting has been scheduled for January 11, 2006 from 1:30 pm to 3:00 pm. The meeting will be held in the auditorium of the Pleasant Prairie Village Hall, 9915 39th Avenue, Pleasant Prairie, Wisconsin.

How DNR will make a final decision on the proposed actions

In making a final decision on the proposed amendment of the agreement, DNR will review and consider all public comments received within the 30-day public comment period. In consultation with the project manager and other staff, the DNR Secretary will decide whether further amendment of the Environmental Cooperative Agreement is necessary. If further amendment is deemed necessary, DNR will seek the consent of We Energies for any such change. Pursuant to ss. 299.80(7)(b) and (6e), Wis. Stats., DNR may only amend and extend this agreement with the consent of We Energies.

A decision by the Department to amend and extend an agreement is not subject to review under ch. 227, Wis. Stats. The agreement itself, once amended, is subject to review under ch. 227, Wis. Stats. To request a contested case hearing pursuant to s. 227.42, Wis. Stats., a person has 30 days after the agreement is amended to serve a petition for hearing upon the Secretary of the DNR. A request for contested case hearing should be made in accordance with s. NR 2.05(5), Wis. Adm. Code. The filing of a request for contested case hearing is not a prerequisite for judicial review under ch. 227, Wis. Stats., and does not extend the time limits for filing a petition for judicial review.

Additional information available

Copies of the proposed amendment, the original Agreement, and fact sheets describing each can be accessed via the Internet at: <http://dnr.wi.gov/org/caer/cea/ecpp/> or by

contacting the DNR project manager, John Shenot. For any other information about the proposed amendment or extension to the Agreement, please contact:

Department of Natural Resources
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Reasonable requests for the information in an alternate format will be provided to qualified individuals with disabilities.

For the Secretary:

/s/ Mark McDermid
Mark McDermid, Director
Bureau of Cooperative Environmental Assistance

12/2/2005
Date